IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 7TH MARCH 2007 / 16TH PHALGUNA 1928

Crl.Rev.Pet.No. 498 of 1999(B)

CC.193/1994 of JUDL.MAGISTRATE OF FIRST CLASS-I, KOTTARAKKARA

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REVN. PETITIONER/PW1:

GEORGE JACOB,
MANAGING PARTNER,
MUTHOOT M GEORGE BANKERS,
VALAYATHUKOTTA BRANCH,
KOLLAM.

BY ADV. SRI.K.P.DANDAPANI

RESPONDENTS/COMPLAINANT AND ACCUSED 1 &3:

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1. STATE OF KERALA,
REPRESENTED BY THE CRIME BRANCH C.I.D. (H.Q.)
ADMINISTRATIVE DETECTIVE INSPECTOR
TRIVANDRUM.

2. VARGHESE UMMAN,
S/O.K.G.UMMAN,
THIRUVALLA DESOM,
THIRUVALLA TALUK,
PATHANAMTHITTA.

3. BIJU JOHN,
S/O.JOHN,
KANNAMKARA PUTHEN VEEDU,
PANAYAM, PERINAD,
PERINAD DESOM,
PANAYAM VILLAGE,
KOLLAM.

BY ADV. SRI.S.SUDHEESHKAR
PUBLIC PROSECUTOR, SRI.C.M.KAMMAPPU

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 07/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU, J.

Crl. R. P. 498 of 1999

Dated this the 7th day of March, 2007

ORDER

The revision petitioner is the defacto complainant in CC No.193/94 which ended in acquittal. The accused was acquitted on the basis of the decision in **Raj Deo Sharma vs. State of Bihar 1991 KLT 173(SC).**

2. In view of the subsequent decision of the Supreme Court in **Ramachandra Rao vs.State of Karnataka 2002 (2) KLT 189(SC)** reversing the ratio of Raj Deo Sharma's case the order of the court below is liable to be set aside. The same is set aside and the matter is remanded back to the court below. The court below is directed to proceed with the trial and dispose of the case on merits. The respondents shall appear before JFCM-I Kottarakkara on 22.4.07.

This Crl.R.P. is disposed of as above.

K.R.UDAYABHANU, JUDGE

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